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9 UNITED STATES DISTRICT COURT
10 WESTERN DISTRICT OF WASHINGTON
11 AT TACOMA

12 LARRY W. CLARK,

13 Plaintiff,

14 v.

15 MENTAL HEALTH ORGANIZATION
16 DEPARTMENT OF CORRECTIONS,

17 Defendant.

18 No. C10-5396RBL/JRC

19 ORDER TO SHOW CAUSE

20 This 42 U.S.C. § 1983 civil rights action has been referred to the undersigned Magistrate
21 Judge pursuant to Title 28 U.S.C. §§ 636(b)(1)(A) and (B) and Local Magistrate Judge Rules
22 MJR 1, MJR 3, and MJR 4. Plaintiff paid the filing fee and is not proceeding in forma pauperis.
23 (ECF entry dated July 28, 2010). The court, having reviewed the file, hereby **ORDERS** plaintiff
24 to show cause why this action should not be dismissed for failure to prosecute.

25 This action was commenced on April 7, 2010. Pursuant to Federal Rule of Civil
26 Procedure 4 (m), plaintiff must complete service within 120 days from filing the action. If
service is not perfected in that time, the court shall dismiss without prejudice unless the plaintiff
can show good cause why service was not made. Ignorance of the rules is not good cause.

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Townsel v. County of Contra Costa, 820 F.2d 319, 320 (9th Cir.1987). The above analysis and a plain reading of the rule would appear to indicate that dismissal without prejudice is in order, but the standard of review is abuse of discretion which indicates the Court has discretion in deciding if dismissal is proper. Wei v. State of Hawaii, 763 F.2d 370, 371 (9th Cir. 1985).

Plaintiff has until May 27, 2011, to show cause why this action should not be dismissed for failure to prosecute and failure to serve defendants.

The Clerk is directed to send copies of this Order to plaintiff and note the May 27, 2011, due date on the court's calendar.

DATED this 2nd day of May, 2011.

J. Ward (matua)

J. Richard Creatura
United States Magistrate Judge

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